

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether ("MTBE")	:	<b>Master File No. 1:00-1898</b>
Products Liability Litigation	:	<b>MDL No. 1358 (SAS)</b>
	:	<b>M21-88</b>
	:	
This Document Relates To:	:	The Honorable Shira A. Scheindlin
<i>Crescenta Valley Water District v. Exxon Mobil</i>	:	
<i>Corporation, et al., Case No. 07 Civ. 9453</i>	:	
<i>(SAS)</i>	:	
	:	
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**DECLARATION OF WILLIAM T. COSTLEY III IN SUPPORT OF BP DEFENDANTS'  
MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO CERTAIN CVWD WELLS**

**DECLARATION OF WILLIAM T. COSTLEY III**

I, William T. Costley III, hereby declare:

1. I am a senior paralegal at the law firm of Arnold & Porter LLP, counsel of record for defendants Atlantic Richfield Company and BP Products North America Inc. (collectively “BP”) in this litigation. I have personal knowledge of the matters stated herein, and if called upon to testify, could and would competently do so.

2. As described below, this declaration is based upon an investigation of readily available documents and data concerning claims in this matter related to the former ARCO gasoline service station at 6454 Foothill Blvd., La Crescenta, California (“former ARCO station”). The information provided in this Declaration is the product of efforts to assemble information regarding past MTBE detections in the Crescenta Valley Water District (“CVWD”) drinking water well system, including the MTBE levels detected in all CVWD wells as of March 2011, when CVWD received State approval to return Well 5 to service (Cox Dec., Exs. 2, 3), and to compare that information with MTBE contributions to those wells “modeled” by CVWD’s expert, Dr. Stephen Wheatcraft, for the former ARCO station (Cox Dec., Ex. 4).

3. Attached hereto as Exhibit 1 is a chart and a compilation of data I prepared that illustrate how Dr. Wheatcraft’s model attributes MTBE contributions of zero (0) ppb by the former ARCO station to CVWD Wells 1, 6, 7, 8, 9, 10, 11, 12, 14 and 15 during any and all periods when those wells have actually reported MTBE at concentrations above either California’s 5 ppb taste and odor Maximum Contaminant Level (“MCL”), or the current California 0.5 ppb Detection Limit for Purposes of Reporting (“DLR”).

4. Dr. Wheatcraft’s modeling run assumes a “Peak Value” of zero (0) ppb as the former Arco station’s past and future “contributions” to any MTBE reported or to be reported in

CVWD well 8 from the year 1981, through and including the year 2059 (Cox Dec., Ex. 4, pp. 113-169).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on March 31, 2011 at Los Angeles, California.

  
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William T. Costley III

# **EXHIBIT 1**

# MTBE Testing Results Reported And Modeled By CVWD

Well No.	1	2*	5	6	7	8	9	10	11	12	14	15
Current MTBE Levels	ND	ND	.23 ppb	ND	.15 ppb	.67 ppb	ND	ND	ND	ND	ND	ND
Period of Reported Concentrations > 5 ppb	Aug - Sept. 2006	--	Aug. 2008 - May 2010	--	Aug. 2006 - March 2007	--	--	--	--	--	--	--
ACRO Station's Contributions Per Pl's Model	0 ppb	--	.0008 - .0490 ppb	--	0 ppb	--	--	--	--	--	--	--
Period of Reported Concentrations > 0.5 ppb	Aug. 2006 - Jan. 2007	Oct. 2006 - Feb. 2007	Jan. 2008 - June 2010	Oct. 2006	Aug. 2006 - Oct. 2007	Aug. 2006 - Present	Oct. 2006	Dec. 2006	Aug. 2006 - Nov. 2006	Aug. 2006 - Jan. 2007	Oct. 2006 - July 2008	--
ARCO Station's Contributions Per Pl's Model	0 ppb	.0018 to .0077 ppb	.0001 - .0562 ppb	0 ppb	0 ppb	0 ppb	0 ppb	0 ppb	0 ppb	0 ppb	0 ppb	--

\* Well 2 was taken out of service in 1976 due to septic tank contamination nitrate levels above MCLs, and has been periodically tested but never returned to operation by the District.

**EXHIBIT I**

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SOUTHERN DISTRICT OF NEW YORK

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	:	
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**CERTIFICATE OF SERVICE**

William Costley, pursuant to 28 USC 1746, hereby declares under penalty of perjury, that on 31<sup>st</sup> day of March, 2011, I caused to be served by electronic means upon all parties to the above-referenced matter via LexisNexis File & Serve a true and correct copy of the following document:

**DECLARATION OF WILLIAM T. COSTLEY III IN SUPPORT OF BP DEFENDANTS'  
MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO CERTAIN CVWD WELLS**

  
\_\_\_\_\_  
William Costley